

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

MARY SEGUIN, *pro se*

*Plaintiff*

v.

RHODE ISLAND DEPARTMENT OF  
HUMAN SERVICES in its official  
capacity; MICHAEL D. COLEMAN,  
DEBORAH A. BARCLAY in their  
individual and official capacities;  
RHODE ISLAND OFFICE OF CHILD  
SUPPORT SERVICES in its official  
capacity; KEVIN TIGHE, MONIQUE  
BONIN, FRANK DIBIASE, WENDY  
FOBERT, KARLA CABALLEROS,  
TIMOTHY FLYNN, LISA  
PINSONNEAULT, CARL  
BEAUREGARD, PRISCILLA  
GLUCKSMAN, JOHN LANGLOIS,  
PAUL GOULD, in their individual and  
official capacities; RHODE ISLAND  
STATE COURT SYSTEM in its official  
capacity; PAUL A. SUTTELL in his  
individual and official capacity as  
Executive Head of Rhode Island State  
Court System; RHODE ISLAND  
ADMINISTRATIVE OFFICE OF STATE  
COURTS in its official capacity;  
RHODE ISLAND ADMINISTRATIVE  
OFFICE OF THE SUPERIOR COURT in  
its official capacity; RHODE ISLAND  
JUDICIAL COUNCIL in its official  
capacity; RHODE ISLAND SUPERIOR  
COURT in its official capacity; RHODE  
ISLAND SUPERIOR COURT JUDICIAL  
COUNCIL in its official capacity; THE  
JUDICIAL TECHNOLOGY CENTER in  
its official capacity; JULIE HAMIL,  
MARISA BROWN, JOHN JOSEPH  
BAXTER, JR., JUSTIN CORREA in  
their individual and official capacities;

C.A. No. 23-cv-126-WES-PAS

**RHODE ISLAND OFFICE OF THE** :  
**ATTORNEY GENERAL in its official** :  
**capacity; RHODE ISLAND OFFICE OF** :  
**THE ATTORNEY GENERAL OPEN** :  
**GOVERNMENT UNIT in its official** :  
**capacity; ADAM D. ROACH,** :  
**PETER NERONHA in their official and** :  
**individual capacities;** :  
**TYLER TECHNOLOGIES, INC.;** :  
**GERO MEYERSIEK** :  
*Defendants* :

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**STATE DEFENDANTS' OBJECTION TO PLAINTIFF'S RULE 60(b) Motion**

Defendants, The Rhode Island Department of Human Services (hereinafter "DHS") and The Rhode Island Office of Child Support Services (hereinafter "OCSS") (hereinafter collectively, "State Defendants"), in response to Plaintiff's Motion for a New Trial, which was filed on November 17, 2023. State Defendants object to Plaintiff's Motion, ECF 37.

Rule 60(b)(1) of the Federal Rules of Civil Procedure states:

On motion and just terms, the court may relieve a party or its legal representative from a final judgment or order or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

Plaintiff improperly seeks relief from the Court's judgment under Rule 60(b)(1). The crux of Plaintiff's Rule 60(b)(1) Motion is that her right to file documents was limited in the current case. As discussed in the Court's Text Order dated November 20, 2023, the Court acknowledged that the restrictions on Plaintiff's filing ability does not apply in this case and the Clerk's Office was directed to docket the three motions. The alleged mistake, inadvertence, or excusable neglect has since been rectified and Plaintiff's Rule 60(b)(1) motion is now moot.

Furthermore, Plaintiff requests the disqualification of the Honorable Judge Smith. A judge may be disqualified from a case if "(1) the judge's impartiality may reasonably be questioned; or (2) the judge may have a personal bias or prejudice concerning a party." *United States v. Kelley*, 712 F.2d 884, 889 (1st Cir. 1983); see 28 U.S.C. § 455. Plaintiff does not provide a legitimate basis for Judge Smith to recuse or be disqualified from the current case. See *Silva v. Rhode Island*, No. 19-568-JJM-PAS, 2021 WL 4712902, at \*2 (D.R.I. June 14, 2021) ("Dissatisfaction with a judicial decision is not a basis for recusal."). Accordingly, State Defendants respectfully asks this Court to deny Plaintiff's Motion for a New Trial for the reasons stated herein, or in the alternative, stay Plaintiff's Motion until Plaintiff's appeal is resolved.

Respectfully Submitted,

**RHODE ISLAND DEPARTMENT  
OF HUMAN SERVICES; RHODE  
ISLAND OFFICE OF CHILD  
SUPPORT SERVICES,**

By:

**PETER F. NERONHA  
ATTORNEY GENERAL**

/s/ Marissa D. Pizaña  
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**CERTIFICATE OF SERVICE**

I hereby certify that on November 28, 2023, I filed the within document via the ECF filing system and that a copy is available for viewing and downloading.

/s/ Marissa D. Pizaña